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Appeal Brief Transmittal

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Inventor	Thomas G. Anderson	Paper:	
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Title:	Human-Computer Interface Incorporating Personal and Application Domains		

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Appeal Brief

Applicant submits herewith an Appeal Brief under 37 CFR 41.37. A Notice of Appeal was filed with a Certificate of Mailing dated 11/03/2007. Consequently, this Appeal Brief is filed within two months of the Office's receipt of the Notice of Appeal, and no extension of time is required. PTO Form-2038 making payment for required fee, **$255** at the applicable small entity rate, is enclosed herewith.

Conclusion

Applicant has responded to each and every rejection and urges that the Claims as presented are in condition for allowance. Applicant requests expeditious processing to issuance.

Respectfully submitted,

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I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Appeal Brief

Applicant's name	Thomas G. Anderson
Filing Date of the Application	03/16/2004
Title of the Invention	Human-computer interface incorporating personal and application domains
Serial Number	10/801,756
Name of the Examiner	Parker, Brandon
Art Unit of the Examiner	2174

Real Party in Interest.

Novint Technologies, Inc., is the real party in interest.

Related Appeals and Interferences.

There are no related appeals or interferences.

Status of Claims.

Claims 1-15 are pending. Claims 1-15 all stand rejected, and are all being appealed.

Status of Amendments.

Applicant submitted an amendment on 07/30/2007. An Advisory Action mailed 08/21/2007 indicated that the amendment was entered.

Summary of Claimed Subject Matter.

Claim 1.

Claim 1 defines a method of providing a human-computer interface. A user can interact with an input device moveable in three physical dimensions, denoted in Claim 1 as "x-device", "y-device", and "z-device". *See, e.g.*, Fig. 9 (the upper right figure shows the input device and its physical range of motion) and page 14, line 20 – page 15 line 14. The interface comprises a display space suitable for representing three dimensions within the display space, denoted in Claim 1 as "x-display", "y-display", and "z-display". The motion of the three-dimensional input device in its physical range of motion is placed in correspondence with motion of a cursor within the display space. *See, e.g,* page 8 line 20 – page 9 line 15. Two interface domains are established, denoted in Claim 1 as an "application domain" and a "personal domain". *See, e.g.*, Fig. 1, Fig. 2, page 8 line 15 – page 9 line 6. Each of the two domains has a corresponding set of interface characteristics, e.g., software to provide interface to a file system and various applications in the personal domain, and software to provide control of a specific application in the application domain. *See, e.g.*, page 11 line 24 – page 12 line 9. Each domain also has a subspace of the display space defined to initiate a transition to the other domain, where the subspace corresponds to a range of coordinates in the z-display dimension of the display space. *See, e.g.*, Fig. 10, page 14 line 15 – page 15 line 12. The user can thereby interact with an application, in the application domain, using interaction software specific to the application. Then, by controlling the cursor in the display space by motion of a three-dimensional input device, the user can transition to interacting with the computer using interaction software better suited for personal control of the computer outside the application. Allowing motion of the three-dimensional device to initiate transitions between interface domains can allow the user to more intuitively and more efficiently manage such transitions.

Claim 2.

Claim 2 defines a method of providing a human-computer interface. A user can interact with an input device moveable in three physical dimensions, denoted in Claim 2 as "x-device", "y-device", and "z-device". *See, e.g.*, Fig. 9 (the upper right figure shows the input device and its physical range of motion) and page 14, line 20 – page 15 line 14. The interface comprises a display space suitable for representing three dimensions within the display space, denoted in Claim 2 as "x-display", "y-display", and "z-display". The motion of the three-dimensional input device in its physical range of motion is placed in correspondence with motion of a cursor within the display space. *See, e.g,* page 8 line 20 – page 9 line 15. Two interface domains are established, denoted in Claim 2 as an "application domain" and a "personal domain". *See, e.g.*, Fig. 1, Fig. 2, page 8 line 15 – page 9 line 6. Each of the two domains has a corresponding set of interface characteristics, e.g., software to provide interface to a file system and various applications in the personal domain, and software to provide control of a specific application in the application domain. *See, e.g.*, page 11 line 24 – page 12 line 9. Within each domain, a portion of the three-dimensional range of motion of the three-dimensional input device corresponds to a transition to the other domain . *See, e.g.*, Fig. 10, page 14 line 15 – page 15 line 12. The user can thereby interact with an application, in the application domain, using interaction software specific to the application. Then, by controlling the motion of a three-dimensional input device, the user can transition to interacting with the computer using interaction software better suited for personal control of the computer outside the application. Allowing motion of the three-dimensional device to initiate transitions between interface domains can allow the user to more intuitively and more efficiently manage such transitions.

Ground of Rejection to be Reviewed on Appeal.

Whether Claims 1-15 are anticipated under 35 U.S.C. 102(b) by U.S. Patent 6,054,989 ("*Robertson*"). Several of Claims 1-15 are argued separately below.

Argument Relative to the Single Ground of Rejection.

Claim 1.

For a reference to anticipate a claim, the reference must teach every element of the claim, in as complete detail as is contained in the claim. *See, e.g.,* MPEP 2131; *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Because *Robertson* does not teach or suggest every limitation of Claim 1, Applicant submits that there is no *prima facie* case of anticipation by *Robertson*. Specifically, *Robertson* does not teach any interaction with a device moveable in three dimensions, or changing of interface characteristics based on motion of a cursor into a range of coordinates in the z-dimension.

Robertson is concerned with a user interface to objects stored on a computer, and managing the display of the objects to the user to exploit spatial memory of people. *Robertson* col 1 lines 10-14. *Robertson* teaches an interface that allows a user to view and organize objects, and to edit selected objects. *Robertson* col 9 lines 16-18. *Robertson* generally teaches management of a display as a user moves a cursor between various icons or windows, and has numerous mentions of two-dimensional input devices, and mentions of mapping of two-dimensional input device motion to simulated three-dimensional coordinates. *See, e.g., Robertson* col 7 lines 6-8 ("inputs from a familiar input device such as a mouse"); col 7 lines 9-10 ("may map two-dimensional inputs, such as moving a mouse on a mouse pad,"); col 9 lines 57-78 ("inputs from a familiar input device such as a mouse or pointer"); col 9 lines 60-62 ("may map two-dimensional inputs, such as moving a mouse on a mouse pad"); col 9 lines 63-65 ("the two-dimensional inputs may be translated to two-dimensional screen coordinates"); col 11 lines 55-60 ("may enter ... through inputs devices, such as a keyboard ... microphone, joystick, game pad, satellite dish, scanner, or the like"); col 15 lines 49-52 ("The pointer input management process (or more generally a "2D input facility")"); col 24 lines 34-38 ("Step 1912 maps the two-

dimensional pointer input"). While *Robertson* mentions mapping of two-dimensional inputs to three-dimensional screen representations, *Robertson* never even suggests the use of a three-dimensional input device, perhaps because *Robertson* is concerned with improving the effectiveness of user interfaces to a plurality of objects in a conventional computer environment (having a conventional two dimensional input device such as a mouse). Hence, *Robertson* teaches methods to use common two-dimensional input devices to helps users view and organize documents. *See, e.g., Robertson* col 1 lines 10-14; col 18 lines 27-29.

The Examiner argues that *Robertson* "discloses a three dimensional environment including a three-dimensinal [sic] surface". *See* Advisory Action continuation sheet. However, *Robertson's* three-dimensional environment and three-dimensional surface are both within the computer-simulated environment or display (corresponding to the display space in Applicant's Claim 1). Thus, *Robertson* teaches use of an input device moveable in **two dimensions** to control a computer environment having three simulated dimensions. There is no teaching in *Robertson* of the use of an input device that is moveable in **three** physical dimensions. In contrast, Applicant's Claim 1 is limited to a method of providing a human-computer interface using an input device having a range of motion in **three** physical dimensions. Because *Robertson* has no teaching of such an interface, *Robertson* does not anticipate Claim 1.

<u>Claims 2, 5, and 9-15</u>.

For a reference to anticipate a claim, the reference must teach every element of the claim, in as complete detail as is contained in the claim. *See, e.g.,* MPEP 2131; *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Because *Robertson* does not teach or suggest every limitation of Claim 2, and consequently Claims 2, 5, and 9-15 depending therefrom, Applicant submits that there is no *prima facie* case of anticipation of those claims by *Robertson*. Specifically, *Robertson* does not teach any

interaction with a device moveable in **three** dimensions, or changing of interface characteristics based on motion of an **input device** into a range of coordinates in the z-dimension of the **input device's range of motion**.

Robertson is concerned with a user interface to objects stored on a computer, and managing the display of the objects to the user to exploit spatial memory of people. *Robertson* col 1 lines 10-14. *Robertson* teaches an interface that allows a user to view and organize objects, and to edit selected objects. *Robertson* col 9 lines 16-18. *Robertson* generally teaches management of a display as a user moves a cursor between various icons or windows, and has numerous mentions of two-dimensional input devices, and mentions of mapping of two-dimensional input device motion to simulated three-dimensional coordinates. *See, e.g., Robertson* col 7 lines 6-8 ("inputs from a familiar input device such as a mouse"); col 7 lines 9-10 ("may map two-dimensional inputs, such as moving a mouse on a mouse pad,"); col 9 lines 57-78 ("inputs from a familiar input device such as a mouse or pointer"); col 9 lines 60-62 ("may map two-dimensional inputs, such as moving a mouse on a mouse pad"); col 9 lines 63-65 ("the two-dimensional inputs may be translated to two-dimensional screen coordinates"); col 11 lines 55-60 ("may enter ... through inputs devices, such as a keyboard ... microphone, joystick, game pad, satellite dish, scanner, or the like"); col 15 lines 49-52 ("The pointer input management process (or more generally a "2D input facility")"); col 24 lines 34-38 ("Step 1912 maps the two-dimensional pointer input"). While *Robertson* mentions mapping of two-dimensional inputs to three-dimensional screen representations, *Robertson* never even suggests the use of a three-dimensional input device, perhaps because *Robertson* is concerned with improving the effectiveness of user interfaces to a plurality of objects in a conventional computer environment (having a conventional two dimensional input device such as a mouse). Hence, *Robertson* teaches methods to use common two-dimensional input devices to helps users view and organize documents. *See, e.g., Robertson* col 1 lines 10-14; col 18 lines 27-29.

The Examiner argues that *Robertson* "discloses a three dimensional environment including a three-dimensinal [sic] surface". *See* Advisory Action continuation sheet. However, *Robertson's* three-dimensional environment and three-dimensional surface are both within the computer-simulated environment or display (corresponding to the display space in Applicant's Claim 2). Thus, *Robertson* teaches use of an input device moveable in **two dimensions** to control a computer environment having three simulated dimensions. There is no teaching in *Robertson* of the use of an input device that is moveable in **three** physical dimensions. In contrast, Applicant's Claims 2, 5, and 9-15 are limited to a method of providing a human-computer interface using an input device having a range of motion in **three** physical dimensions. Because *Robertson* has no teaching of such an interface, *Robertson* does not anticipate Claims 2, 5, and 9-15.

Claims 2, 5, and 9-15 are further limited to methods that selects between two distinct domains (and consequently which interface characteristics to provide), based on motion of a device in a **z-dimension** of a **three-dimensional input device's range of motion**. *Robertson* teaches selection of **objects** by **mouse clicks**, but not selection between **interface domains** by **input device motion** in the z-dimension of the input device's range of motion (which would be impossible in *Robertson* since *Robertson* has no teaching of interfaces using devices moveable in three dimensions). In Applicant's Claim 2, the active interface domain is determined by motion of an input device in the z-dimension of the input device's range of motion. *Robertson* mentions a z-dimension only as an aspect of the simulated space, and only for organizing objects, and even then describes Workscape (background art, not Robertson's invention) where pushing and pulling documents in the Z dimension "will be cumbersome for users in practice." *Robertson* col 5 lines 65. Further, *Robertson's* only teaching of three-dimensional input is when mapping **two-dimensional** input device motion to a simulated three-dimensional space, and thus could not select an interface domain based on motion of an input device in the z dimension

of the input device's range of motion (since *Robertson* does not teach any input device that has a z dimension to its range of motion). Because *Robertson* does not teach selection between two distinct interface domains based on movement of an input device in the z dimension of the input device's range of motion, *Robertson* does not anticipate Claim 2 or Claims 5 and 9-15 depending therefrom. Applicant submits that Claims 2, 5, and 9-15 are in condition for allowance.

<u>Claims 3 and 6</u>.

For a reference to anticipate a claim, the reference must teach every element of the claim, in as complete detail as is contained in the claim. *See, e.g.,* MPEP 2131; *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Because *Robertson* does not teach or suggest every limitation of Claims 3 and 6, Applicant submits that there is no *prima facie* case of anticipation of those claims by *Robertson*. Specifically, *Robertson* does not teach any interaction with a device moveable in **three** dimensions, or changing of interface characteristics based on motion of an **input device** into a range of coordinates in the z-dimension of the **input device's range of motion**, or changing of interface characteristics based on motion of an interface across a **surface** defined in three dimensions of the an input device's physical range of motion.

Robertson is concerned with a user interface to objects stored on a computer, and managing the display of the objects to the user to exploit spatial memory of people. *Robertson* col 1 lines 10-14. *Robertson* teaches an interface that allows a user to view and organize objects, and to edit selected objects. *Robertson* col 9 lines 16-18. *Robertson* generally teaches management of a display as a user moves a cursor between various icons or windows, and has numerous mentions of two-dimensional input devices, and mentions of mapping of two-dimensional input device motion to simulated three-dimensional coordinates. *See, e.g., Robertson* col 7 lines 6-8

("inputs from a familiar input device such as a mouse"); col 7 lines 9-10 ("may map two-dimensional inputs, such as moving a mouse on a mouse pad,"); col 9 lines 57-78 ("inputs from a familiar input device such as a mouse or pointer"); col 9 lines 60-62 ("may map two-dimensional inputs, such as moving a mouse on a mouse pad"); col 9 lines 63-65 ("the two-dimensional inputs may be translated to two-dimensional screen coordinates"); col 11 lines 55-60 ("may enter ... through inputs devices, such as a keyboard ... microphone, joystick, game pad, satellite dish, scanner, or the like"); col 15 lines 49-52 ("The pointer input management process (or more generally a "2D input facility")"); col 24 lines 34-38 ("Step 1912 maps the two-dimensional pointer input"). While *Robertson* mentions mapping of two-dimensional inputs to three-dimensional screen representations, *Robertson* never even suggests the use of a three-dimensional input device, perhaps because *Robertson* is concerned with improving the effectiveness of user interfaces to a plurality of objects in a conventional computer environment (having a conventional two dimensional input device such as a mouse). Hence, *Robertson* teaches methods to use common two-dimensional input devices to helps users view and organize documents. *See, e.g., Robertson* col 1 lines 10-14; col 18 lines 27-29.

The Examiner argues that *Robertson* "discloses a three dimensional environment including a three-dimensinal [sic] surface". *See* Advisory Action continuation sheet. However, *Robertson's* three-dimensional environment and three-dimensional surface are both within the computer-simulated environment or display (corresponding to the display space in Applicant's independent Claim 2). Thus, *Robertson* teaches use of an input device moveable in **two dimensions** to control a computer environment having three simulated dimensions. There is no teaching in *Robertson* of the use of an input device that is moveable in **three** physical dimensions. In contrast, Applicant's Claim 3 are limited to a method of providing a human-computer interface using an input device having a range of motion in **three** physical dimensions.

Claims 3 and 6 are further limited to methods that selects between two distinct domains (and consequently which interface characteristics to provide), based on motion of a device in a **z-dimension** of a **three-dimensional input device's range of motion**. *Robertson* teaches selection of **objects** by **mouse clicks**, but not selection between **interface domains** by **input device motion** in the z-dimension of the input device's range of motion (which would be impossible in *Robertson* since *Robertson* has no teaching of interfaces using devices moveable in three dimensions). In parent Claim 2, the active interface domain is determined by motion of an input device in the z-dimension of the input device's range of motion. *Robertson* mentions a z-dimension only as an aspect of the simulated space, and only for organizing objects, and even then describes Workscape (background art, not Robertson's invention) where pushing and pulling documents in the Z dimension "will be cumbersome for users in practice." *Robertson* col 5 lines 65. Further, *Robertson's* only teaching of three-dimensional input is when mapping **two-dimensional** input device motion to a simulated three-dimensional space, and thus could not select an interface domain based on motion of an input device in the z dimension of the input device's range of motion (since *Robertson* does not teach any input device that has a z dimension to its range of motion). Because *Robertson* does not teach selection between two distinct interface domains based on movement of an input device in the z dimension of the input device's range of motion, *Robertson* does not anticipate Claims 3 and 6 depending therefrom.

Claims 3 and 6 are further limited to interfaces that transition between domains based on motion of a three-dimensional device across a **surface** defined in the input device's three-dimensional physical range of motion. The surface used for the transition is expressly defined in Claims 3 and 6 as a function of the x-device, y-device, and z-device dimensions – three dimensions in the physical world that correspond to the input device's physical motion. Because Robertson has no teaching of any input device physically moveable in three physical dimensions, Robertson can not teach transition between application domains responsive to motion of a three-dimensional

input device across a surface defined in the physical world. Because *Robertson* has no teaching of an interface having all the limitations of Claims 3 and 6, *Robertson* does not anticipate Claims 3 and 6. Applicant submits that Claims 3 and 6 are in condition for allowance.

<u>Claims 4-5 and 7-8</u>.

Claims 4-5 depend from Claim 3; Claims 7-8 depend from Claim 6. Applicant submits that Claims 4-5 and 7-8 are allowable for the same reasons as parent Claims 3 and 6. Claims 4-5 and 7-8 are further limited to interfaces that have specific relationships between the portions of the input device's range of motion assigned to each of the two domains. *Robertson* has no teaching of interfaces using a three-dimensional input device, or interfaces that accommodate transitions between domains based on motion of an input device in its physical range of motion. *Robertson* has no teaching of any specific mapping of portions of the input device's physical range of motion, where the portions have the volumetric relationships recited in Claims 4-5 and 7-8.

Claims Appendix.

1. A method of providing a human-computer interface, using an input device having a range of motion in three dimensions, denoted the x-device dimension, the y-device dimension, and the z-device dimension, comprising:

a) Providing a display space, having mutually orthogonal x-display and y-display dimensions, where the x-display dimension and the y-display dimension together define a plane orthogonal to a user direction of view into the display space, and a z-display dimension orthogonal to both the x-display dimension and the y-display dimension;

b) Establishing a correspondence between motion of the input device and motion of a cursor relative to the display space;

c) Providing a three-dimensional application domain, having corresponding interface characteristics;

d) Providing a personal domain, having corresponding interface characteristics;

e) If the user is interacting according to the application domain characteristics, then determining if user motion of the input device corresponds to cursor motion into an application-to-personal defined range of coordinates in the z-display dimension, and, if so, then providing interaction according to the personal domain characteristics;

f) If the user is interacting according to the personal domain characteristics, then determining if user motion of the input device corresponds to motion of the cursor into a personal-to-application defined range of coordinates in the z-display dimension, and, if so, then providing interaction according to the application domain characteristics.

2. A method of providing a human-computer interface, using an input device having a range of motion in three dimensions, denoted the x-device dimension, the y-device dimension, and the z-device dimension, comprising:

a) Providing a display space, having mutually orthogonal x-display and y-display dimensions, where the x-display dimension and the y-display dimension define a plane orthogonal to a user direction of view into the display space, and a z-display dimension orthogonal to both the x-display dimension and the y-display dimension;

b) Providing a three-dimensional application domain, having corresponding interface characteristics;

c) Providing a personal domain, having corresponding interface characteristics;

d) If the user is interacting according to the application domain characteristics, then determining if the input device has moved into an application-to-personal defined range of coordinates in the z-device dimension, and, if so, then providing interaction according to the personal domain characteristics;

e) If the user is interacting according to the personal domain characteristics, then determining if the input device has moved into a personal-to-application defined range of coordinates in the z-device dimension, and, if so, then providing interaction according to the application domain characteristics.

3. A method as in Claim 2, wherein determining if the input device has moved into an application-to-personal defined range of coordinates in the z-device dimension comprises determining if the input device has crossed an application-to-personal surface in the space defined by the x-device dimension, the y-device dimension, and the z-device dimension.

4. A method as in Claim 3, wherein the application-to-personal surface comprises a surface separating the space defined by the x-device dimension, the y-device dimension, and the z-device dimension into an application portion and a personal transition portion, wherein the volume of the application portion is at least three times larger than the volume of the personal transition portion.

5. A method as in Claim 4, wherein the application-to-personal surface comprises a plane orthogonal to the z-device dimension at a coordinate in the z-device dimension such that more than two-thirds of the coordinate space in the z-device dimension is in the application portion.

6. A method as in Claim 2, wherein determining if the input device has moved into a personal-to-application defined range of coordinates in the z-device dimension comprises determining if the device has crossed an personal-to-application surface in the space defined by the x-device dimension, the y-device dimension, and the z-device dimension.

7. A method as in Claim 6, wherein the personal-to-application surface comprises a surface separating the space defined by the x-device dimension, the y-device dimension, and the z-device dimension into a personal portion and an application transition portion, wherein the volume of the personal portion is at least three times larger than the volume of the application transition portion.

8. A method as in Claim 6, wherein the personal-to-application surface comprises a plane orthogonal to the z-device dimension at a coordinate in the z-device dimension such that more than two-thirds of the coordinate space in the z-device dimension is in the personal portion.

9. A method as in Claim 2,

a) wherein providing for interaction according to the application domain comprises providing a display of the application domain having active application characteristics and providing a display of the personal domain having inactive personal characteristics;

b) wherein providing for interaction according to the personal domain comprises providing a display of the personal domain having active personal characteristics, comprising enhanced perceptual characteristics relative to inactive personal characteristics, and providing a display of the application domain having inactive application characteristics, comprising reduced perceptual characteristics relative to active application characteristics.

10. A method as in Claim 9, wherein active personal characteristics comprise objects displayed at an active size, and wherein inactive personal characteristics comprise an inactive size less than the active size.

11. A method as in Claim 9, wherein active personal characteristics comprise objects displayed at an active visual intensity, and inactive personal characteristics comprise objects displayed at an inactive visual intensity less than the active visual intensity.

12. A method as in Claim 9, wherein inactive personal characteristics comprise objects displayed semitransparently.

13. A method as in Claim 2, wherein providing interaction according to the application domain comprises providing a display of the application domain using an application portion of the displayable space, and providing a display of the personal domain using a personal portion of the displayable space, wherein the application portion is at least 3 times the size of the personal portion.

14. A method as in Claim 2, wherein providing interaction according to the personal domain comprises providing a display of the application domain using an application portion of the displayable space, and providing a display of the personal domain using a personal portion of the displayable space, wherein the personal portion is at least 3 times the size of the application portion.

15. A method as in Claim 2, wherein

a) providing interaction according to the application domain comprises providing a display of the application domain using an active application portion of the displayable space, and providing a display of the personal domain using an inactive personal portion of the displayable space,

b) providing interaction according to the personal domain comprises providing a display of the application domain using an inactive application portion of the displayable space, and providing a display of the personal domain using an active personal portion of the displayable space;

c) wherein the active personal portion is at least one third larger than the inactive personal portion.

Evidence Appendix.

None.

Related Proceedings Appendix

None.